



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,863	12/21/2001	Gerald K. Sosalla	659/776	4027

7590 05/04/2004

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, IL 60610

EXAMINER

RIVERA, WILLIAM ARAUZ

ART UNIT	PAPER NUMBER
----------	--------------

3654

DATE MAILED: 05/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/036,863

Applicant(s)

SOSALLA ET AL.

Examiner

William A Rivera

Art Unit

3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-5,7-17,19 and 21-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3-5,9,10,15,16 and 21-34 is/are allowed.
- 6) ☒ Claim(s) 1,2,7,8,11-14,17 and 19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 7-8, 11-14, 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wetzler (U.S. Patent No. 3,315,908) in view of Konrad et al (U.S. Patent No. 3,519,214).

With respect to Claims 1, 2, and 19, Wetzler, Figures 1-4, teaches an apparatus for winding a web comprising an upstream end; a downstream end; a first belt 28, traveling within a first plane in a first direction from the upstream end to the downstream end; a second belt 45, traveling within a second plane in a second direction from the downstream end to the upstream end, wherein a web W, in contact with the first belt, traveling in the first direction, and comprising a cigarette comprising a leading edge of the web, is wound around the cigarette by contact with the second belt; the first belt travels at a first speed, the second belt travels at a second speed lower than the first speed. Konrad et al, Figures 1-3, teach first and second belts in close proximity at one end and spaced apart at another end. It would have been obvious to one of ordinary skill in the art to replace the positioning of the belts of Wetzler with those of Konrad et al for the purpose of eliminating movable roller 65 thereby simplifying the machinery necessary to wind a roll. Further It would have been obvious to one of ordinary skill in the art to replace a single belt with a plurality of belts since it has been held that mere duplication of

Art Unit: 3654

essential working parts of a device involves only routine skill in the art and the device would work equally well whether it was a single belt or a plurality of belts.

With respect to Claims 7-8, Wetzler in view of Konrad et al are advanced above. It would have been an obvious matter of design choice, as determined through routine experimentation and optimization, to dimension the web of Wetzler in view of Konrad et al as specified in Claims 6 and 7, lines 1-2 because one of ordinary skill would have been expected to have routinely experimented to determine the optimum dimensions for a particular use.

With respect to Claims 11-14 and 17, the method described in these claims would inherently result from the use of Wetzler in view of Konrad et al of as advanced above.

***Allowable Subject Matter***

Claims 3-5, 9-10, 15-16, and 21-34 are allowed.

***Response to Arguments***

Applicant's arguments filed January 9, 2004 have been fully considered but they are not persuasive.

With respect to applicant's remarks on page 10 regarding the liquid add on, it is unclear as to what structure is being claimed in the apparatus which allows wet web winding. Note that the winding apparatus is being claimed and not the combination of an apparatus with a wet web. As such, the references read on the claim as set forth.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

Art Unit: 3654

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William A Rivera whose telephone number is 703-308-2684. The examiner can normally be reached on Monday to Friday - 7:30 to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on 703-308-2688. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**WILLIAM A. RIVERA**  
**PRIMARY EXAMINER**  
May 3, 2004